

A. GOMEZ

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1 looking.

2  
3 And I told -- Jose Quinoy --  
4 Gasker had the knee in Mario's neck like  
5 this. Pushed down Mario. I don't know why  
6 when he have the handcuff, he do it.

7 Q. Who did that?

8 A. Ebel. And Jose Quinoy continue  
9 to kick Mario in his head in the top of the  
10 head, here. And I told Jose Quinoy, Jose,  
11 Jose, stop. Stop. Why you do that.

12 He hold me for my jacket, and  
13 he threw me out in my car. Very abuse.  
14 When Mario saw that, he tried to up on two  
15 hands. I have a surgery because I have a  
16 cancer in September. He know because my  
17 daughter told him. I have a surgery they  
18 put everything out.

19 MS. VOLPER: A hysterectomy?

20 THE WITNESS: Yes.

21 A. And Mario screamed, what you do  
22 that.

23 Q. We're going to try to simplify  
24 things, and I'm going to try and break this  
25 down.

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When you came out of the police station, Mario and the three police officers were still standing, correct? Is that, yes?

A. Yes.

Q. At that time you heard Detective Quinoy say something?

A. Yes.

Q. And then the officers used the electricity; is that right?

A. Yes. As soon as they started the electricity he down.

Q. Where did you see, at that time where did you see Officer Ebel use the electricity on Mario?

A. In her back, in her back, all the back he have a lot of marks, and Gasker do it, too, at the same time.

Q. I'm asking, though, at that time, what you specifically saw, okay. Not based on any marks or anything else?

A. ~~In her back.~~ He did it in her back.

Q. ~~How many times?~~

A. ~~A lot of times.~~

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Q. Listen to my question first, okay. How many times did Officer Ebel use the electricity on his back before he fell to the ground?

A. ~~He do it~~ continuing, ring, ring, ring. That's when I scream. I go back to the department, inside the Police Department and I asked for more help.

Q. ~~Before~~ you went back into the police station, did you see Officer Gasker use the electricity?

A. Both at the same time.

Q. And you said that Officer Ebel was using the electricity on Mario's back, right?

A. Both in her back.

Q. So, his back. So, Officer Gasker was also using it on his back?

A. Yes.

Q. When they used the electricity, did Mario then immediately fall to the ground?

A. Mario screamed.

Q. Did Mario immediately fall to

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the ground?

A. Yes. He said that's enough. That's enough. He's screamed, that's enough. That's enough. And they continue, continue it. ~~I go back inside the Police Department and ask for more help.~~

Q. Who did you ask for help?

A. The lieutenant that was there.

Q. ~~The lieutenant that was at the desk in the front?~~

A. ~~Hayes, yes.~~

Q. What, if anything, did Lieutenant Hayes say to you?

A. Nothing.

Q. ~~Did he do anything?~~

A. ~~I screamed I need, I need help. They kill my husband. He look at me, and I go back, because he not move. He not do anything.~~

MS. SHERVEN: Move to strike the portion that's nonresponsive.

Q. ~~How long were you inside the precinct at that time?~~

A. ~~Second, second.~~

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2 Q. And then you went back outside?

3 A. Yes.

4 Q. What did you see first when you

5 got back outside the second time?

6 A. Mario have the handcuffs and go

7 down to the ground.

8 Q. So, Mario's laying on the

9 ground.

10 A. Yes.

11 Q. And his hands cuffed at the

12 time?

13 A. Yes, and they continued -- and

14 Ebel continue to do electricity one more

15 time.

16 Q. Where did you see Ebel use the

17 electricity on Mario?

18 A. In the back.

19 Q. At that time when you came back

20 out, did you see anyone else use

21 electricity?

22 A. At the time only Ebel.

23 Q. And you said he did it one more

24 time?

25 A. Yes.



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Q. Did you see any police officer use the electricity on Mario in anywhere other than his back?

A. In the moment, no.

Q. At anytime?

A. Yes. Yes. They use it again.

Q. Okay, up until the time you came out of the precinct the second time okay.

A. Okay, when I get out Ebel use it one more time.

Q. ~~I am going to stop you there.~~  
At that point had you seen them use the electricity anywhere other than your husband's back?

A. ~~Yes.~~

Q. ~~Where?~~

A. ~~In the neck, and Michael Gasker put in the neck.~~

Q. ~~Did you see that?~~

A. ~~Oh, yes, that's when I cringe like a crazy. I have the vision here.~~

MS. VOLPER: You're pointing to your head?

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1  
2 A. ~~Yes.~~ Michael Gasker have it in  
3 the neck, and ~~Ebel~~ he gave Mario electricity  
4 I think in the right side, here, because  
5 he's like this.

6 MS. VOLPER: Pointing to your  
7 temple.

8 A. ~~Yes,~~ on the ground. He's like  
9 that. He put like close to here, the hair,  
10 in the hair here in this area he put the  
11 electricity.

12 Q. Was those times was that the  
13 second time you came out of the precinct or  
14 before?

15 A. That's the second time and he  
16 have a handcuffed when they do it the second  
17 time the electricity.

18 Q. ~~Were~~ there any other police  
19 officers outside after you came out the  
20 second time?

21 A. ~~No.~~ When I came out the second  
22 time only all three there. Jose Quinoy  
23 kicked Mario in the top of the hair. They  
24 put the electricity that I sat the second  
25 time in the neck in the hair, because I told

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Jose Quinoy next to me, I touched -- he have  
a -- Mario use it today. What do you call,  
the polo.

MS. VOLPER: He had a long  
sleeve shirt is that what you're  
saying?

THE WITNESS: Yes.

MS. VOLPER: A long-sleeved  
polo.

A. ~~Jose~~ Quinoy have one that  
~~night, black, and I touch, Jose, Jose, like~~  
~~this. I not hit. I not doing anything.~~  
~~Stop it. Stop. He hold me by my jacket and~~  
~~he threw me in front to my car.~~

When Mario tried to --

Q. -- I'm going to stop you there.  
Just let me ask the questions, okay.

~~So, you walked up to Detective~~  
~~Quinoy and touched his arm?~~

A. ~~Not really touch. I say stop,~~  
~~stop, stop, you know.~~

Q. You said something, he was  
wearing a long sleeve shirt?

A. No, not his shirt, not hit or



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touch. I say stop, stop, stop. And he not listen. I say stop. That's the contact that I had with Mr. Quinoy.

Q. Did you touch his arm?

A. ~~Not really touch~~, because he's very excited. I can't touch. I crazy. Maybe he kill me.

MS. SHERVEN: Move to strike the portions not responsive.

MS. VOLPER: So, the way you motioned, you're making a motion with your hands.

THE WITNESS: Yes. I say stop, stop, like that.

Q. ~~You never touched his arm?~~

A. No, ~~not really touch him.~~

Q. When you say not really, though, what do you mean?

A. ~~I say~~, no, I not touch him. He look like animal out of control.

MS. SHERVEN: Move to strike the portion as nonresponsive.

Q. When you're saying to Detective Quinoy, stop, that you say he then grabbed

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you by the shirt?

A. My jacket, I have a jacket.

Q. And what happened then?

A. He threw me down.

Q. Did he physically pick you up off the ground?

A. Oh, yeah. He hold me and threw me down.

Q. When you say that he threw you down, can you approximate for me the distance?

A. The distance is here about two or three feet because my car is next to him, and he threw me in the top of my car.

Q. What did you see happen next?

A. Well, when I go down Mario tried to up, and say are you crazy. She have a surgery, and they started hitting Mario again.

Q. And these are the three officers that you mentioned earlier?

A. Yes.

Q. Where did they hit him at that time?

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A. ~~They~~ put down, Gasker put down  
put the neck in the Mario's neck and push  
down and hit.

MS. VOLPER: Did he put his  
knee in Mario's neck?

A. ~~In~~ the neck, yes. He like that  
all the time and push Mario down. And Mario  
he's in the ground like that, and he  
stopped. I'm talking about the Ebel, and he  
-- what do you say -- hit Mario in the face  
like this.

MS. VOLPER: Kicked?

A. No. Put the fists on the top  
like that.

MS. VOLPER: Put his fists?

THE WITNESS: Yes, like this,  
in her face.

MS. VOLPER: You're motioning  
you're stomping on the ground?

THE WITNESS: No. Mario's in  
the ground like that.

Q. You're indicating his head is  
to the left side?

A. Yes. He looking at me. He's

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in the back, he's, yeah, in the left side.  
That's when they give the electricity, too,  
Gasker. And he move up and put the fists in  
Mario's face like this very very hard in the  
face.

MS. VOLPER: Did you say fists?

THE WITNESS: The feet, like  
this.

MS. VOLPER: Oh, the feet.

THE WITNESS: Like this in Mario's face. Gasker do it, and Jose Quinoy continue kicking. That's when all the police coming.

Q. When you say all the police come, who are you referring to?

A. Thank God. Tarrytown Police Department coming for help.

Q. ~~Do you know who called the~~  
~~Tarrytown Police?~~

A. No. I don't have idea.

Q. How many officers arrived?

A. Around six or seven, because I saw too many cars, but I'm not counting.

Q. Did you see any other Sleepy

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Hollow police cars or officers?

A. Yes, they coming I think two, and one that I know coming at the time is what the names -- the lieutenant's son. He was there. But nobody do -- the Sleepy Hollow police coming, but they not do. Anything. They only look. Everybody in shock. Look like that. Don't say anything. Don't do anything. Don't try to stop, and ~~Ebel and Jose do continue to hit Mario and~~ he's on the floor with the handcuffs.

When the police, the Tarrytown coming, I think they sergeants, but I don't really really familiar with the people, the Police Department, I tell you the truth. ~~Take Jose Quincey and say, Jose, that's~~ enough. ~~That's when everything stopped.~~

Q. Did you see that happen?

A. Oh, yes, I was there. Two feet the distance. When he coming he say, Jose, that's enough. That's the police for the Tarrytown.

Q. ~~At any point in time during~~ this whole incident that you described, did



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~~you see Mario strike Detective Quinoy?~~

A. No.

Q. At anytime did you notice whether Detective Quinoy had any injuries? Was he bleeding or bruised?

A. Quinoy?

Q. Quinoy.

A. I don't know. I don't know. I don't know.

Q. Did you later see him at the hospital?

A. Well, this not stop it there. I see in the hospital, but the problem not stop right away.

Q. ~~I'm just asking whether you saw him at the hospital later?~~

A. ~~Jose Quinoy?~~

Q. ~~Quinoy.~~

A. ~~Yes, I went in the hospital.~~

Q. ~~Did you ever find out if Detective Quinoy had any injuries?~~

A. ~~No. He sit down in the other side with Jimmy Warren, the Chief, and I don't know for what reason he was there.~~

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Q. When the Tarrytown Police arrived that's when everything stopped; is that correct?

A. ~~Not everything has stopped.~~  
~~The police the Tarrytown take it out Jose out of Mario.~~

Q. ~~What happened then?~~

A. ~~Well, they hold Mario. Gasker and Ebel hold Mario. Stand up in front of me, okay. Jose Quinoy coming and saying little things and punch Mario in her face again.~~

Q. Where did this happen?

A. In front of everybody.

Q. Was Mario standing?

A. Standing. When they stand Mario because he no have anything. He no have nothing. When they stand Mario, Mario like that, he coming and.

Q. You're indicating his hands are ~~cuffed behind his~~ back?

A. ~~Yes, in the back, and two policemen~~ holding him, and Michael and I don't know who, because at the time I feel

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~~so nervous, crazy,~~ he threw him on the floor. I have a pain. I saw he come and punch Mario in the face.

Q. Punching, you're using your right fist; is that correct?

A. The right or the left I'm not sure.

Q. But it was his hand?

A. Yes, the hands.

Q. With the closed fist?

A. Yes, closed like this, and he hit Mario in his face.

Q. Where in the face?

A. I think in the right eyes.

Q. What happened next?

A. ~~Next, they hold Mario.~~ I don't know for what reason. He's in the front of the Police Department, they coming, and they put Mario in the seat back with the car, okay. And Richard -- that's the guy driving the car.

MS. VOLPER: Richard

Delasandra.

A. Yes, he's here in front of me.

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The door is open, okay because I not leave.  
I have a lot of pain, but I'm going to stay  
there.

Q. Which door is open, the police  
car?

A. ~~The police car in the back,~~  
~~they sit down Mario in the back with the~~  
~~handcuffs and everything, and Jose Quinoy~~  
~~give another orders.~~ Do this, do that,  
orders, he doing orders to the people there.  
Do this. Do that. And he coming in front.  
~~Richard because he's in the front and I am~~  
~~in the back and kick Mario in her face.~~

Q. ~~Where~~ in the face?

A. In the right side, ~~here,~~ all  
the face, boom, in the face, coming the  
kick.

Q. And that's when Mario was  
sitting in the police car?

A. Yes.

Q. What happened then?

A. ~~They close the door and they~~  
take --

Q. Who's they?

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A. Who?

Q. Who closed the door?

A. Richard and he drive the car  
and go back to the Police Department.

Q. Did you see Detective Quinoy  
kick Mario?

A. Oh, yes.

Q. When the police car drove away,  
what did you do?

A. I going inside.

Q. You walked in?

A. Yes. I going inside the Police  
Department, because I want to see what  
happened with Mario. That's the first time  
that I have experience about that, and I  
have to see what the next step that I have  
to do that.

Q. ~~At that time~~ At that time, how were you  
physically feeling?

A. ~~Very bad~~ Very bad, I have a lot of pain.

Q. Where?

A. In all my stomach here in my  
back part.

Q. When you said that Detective



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Quinoy threw you onto the car onto your car,  
what portion of your body hit the car?

A. All my front.

Q. Your front?

A. Yes.

Q. Your chest?

A. Yes.

Q. What about your stomach?

A. All my stomach, everything,  
because he moved my body. He's a man threw  
it to the car.

Q. Can you describe the pain that  
you were experiencing in your stomach?

A. Not really my stomach. In my  
back part, you see when you have a --

MS. VOLPER: -- are you saying  
your bad part.

THE WITNESS: No, here.

MS. VOLPER: Where you had your  
hysterectomy, your lower abdomen?

THE WITNESS: Yes, were you  
have the feeling, the part that you  
feel that's where I feel it bad pain.

At the time my daughter Haydee

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and Jenny coming to the Police  
Department.

Q. I'm going to stop you there,  
now. Can you describe the pain. You said  
it's a bad pain. Is it sharp? How would  
you describe it?

A. No. I feeling something coming  
down then my body.

Q. What do you mean?

A. Bad pain when you have a bad  
bad pain, and you feeling something oh, my  
God, something coming down.

MS. VOLPER: Something coming  
down.

Q. Do you mean internally?

A. Internally, I'm feeling  
something out of my body. That's what I  
feeling at the moment.

Q. Is that when your daughter  
Haydee and Jenny arrived?

A. Jenny and Haydee coming to the  
Police Department, because I call Haydee and  
I say I feel so bad, and they bring me to  
the hospital, Jenny and Haydee.

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Q. Is that to Phelps Hospital?

A. Yes.

Q. What treatment, if any, did you receive at the hospital?

A. At that time, when I was there I lost controlled.

Q. When you say that you lost control at the hospital, what are you referring to?

A. When I went in the hospital I have a terrible pain in my life.

Q. Did the pain change or worsen by the time you got to the hospital.

A. No. When I went in the hospital, they put me in the inside right away because I was screaming. I can't walk. I feel my life coming down, a very bad pain I have at the moment.

MS. SHERVEN: I move to strike the portions that not responsive.

Q. Did the medical professional examine you?

A. Oh, yes.

Q. What did they do?

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A. They do a test, the readings.

Q. Which tests?

A. The readings, and they give me two or three shots, because they put me first one, and then I were for the pain.

Q. Shots for the pain?

A. Yes, they gave me two or three.

Q. What other types of testing did they do?

A. No. He say they do the emergency, they do the first thing. I told them that I have the surgery, and what happened. And they say they put me for the pain, and I go home. And I had to go to everything's fine. I had to go the next day. They made an x-ray, because I have a lot of pain in my left side in my ribs when I breathe I feel pain. I have a bad pain in all this right side in my ribs.

MS. VOLPER: You're pointing to your left ribcage?

A. Yes, in the left, and they take an x-ray.

Q. Did they tell you what the

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results were of the x-rays?

A. Well, at the moment they say you have a bruised rib they not say.

MS. VOLPER: Bruised rib?

A. Bruised, because it's very sore at the time. He not see good. I went again to take another x-ray.

Q. What was the result of that x-ray?

A. Well, the doctor say it's broken or not they can't do anything. I had to live like that and relax. That's what I do.

Q. Did they tell you at anytime that your ribs were cracked or broken?

A. No, I don't think so broken broken, but they have a bruise.

Q. Bruise. When you first went to Phelps Hospital, did they examine you internally because of the hysterectomy?

A. Yes.

Q. Did they tell you if there was anything wrong internally?

A. No. They say everything --



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1  
2 remember I no have nothing. They say is the  
3 pain that I feeling is for the surgery,  
4 because this happened one month later. But  
5 I don't have nothing inside because first of  
6 all if I saw the doctor, I'm feeling  
7 something come out of my body. He say, no,  
8 that's the sense because you only have one  
9 month the surgery.

10 Q. At any point in time after  
11 October 17, 2006, did you experience any  
12 bleeding?

13 A. Not bleeding, but I have a lot  
14 of pain for around one and a half, two  
15 months. I went to Doctor Carniciu a couple  
16 of times and complained about that.

17 Q. Where were you experiencing  
18 this pain; in your ribs or your lower  
19 stomach?

20 A. In my ribs and my lower  
21 stomach, too.

22 MS. SHERVEN: All right. This  
23 might be a good stopping point at  
24 this point since we're not able to  
25 finish with the 50-h today. Counsel

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has an appointment in the city, so  
we'll reschedule for a mutually  
convenient time. Okay, thank you.

(Time noted 3:54 p.m.)

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AWILDA GOMEZ

Subscribed and sworn to  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007.

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Notary Public